THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.1872 OF 2006

Dt.1.2.2006

Between:

Haji Osman … Petitioner

And

The Commissioner of Civil Supplies,

Civil Supplies Department, Hyderabad and

Another … Respondents

ORDER:

Petitioner questions the DCS Proceedings No.E2/14318/2005, dt.23.1.2006 passed by the first respondent as illegal and arbitrary.

Petitioner herein is the wholesale kerosene dealer having licence under the provisions of A.P.Petroleum Products (Licencing & Distribution) Order, 1980 for supply of kerosene to the retail dealers. Basing on the reports of the Deputy Tahsildar, Civil Supplies, Bhongiri, dated 8.9.2005 and 12.9.2005, show cause notice dated 6.10.2005 was issued by the 2nd respondent framing as many as five charges, for which the petitioner filed an explanation on 13.10.2005 and after conducting enquiry the wholesale kerosene dealership of the petitioner has been cancelled by the 2nd respondent vide proceedings dated 21.12.2005. As against the said cancellation order, the petitioner filed an appeal before the Director of Civil Supplies, Hyderabad, along with stay application and as the stay application was

not disposed of, the petitioner filed W.P.No.28026 of 2005 which was disposed of by this Court on 30.12.2005 directing the appellate authority to consider and dispose of the stay application within two weeks from the date of receipt of the said order. Thereafter, the stay application has been disposed of opining that there is prima facie case to cancel the form-B licence of the petitioner and therefore the request of the petitioner for suspension of operation of the order dated 21.12.2005 was rejected pending disposal of the appeal.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

As the appeal itself is pending before the first respondent, I am not inclined to express any opinion on the merits of the case. However, having regard to the facts and circumstances of the case, the appellate authority/first respondent is directed to consider and dispose of the appeal after giving reasonable opportunity to the petitioner and pass appropriate orders dealing with all the contentions raised in the appeal, in accordance with law, within four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

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(V.ESWARAIAH, J.)

1.2.2006

Note: Issue copy within three days

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